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Attorneys for Third-Party Defendant

ATLANTIX GLOBAL SYSTEMS

INTERNATIONAL, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

CISCO SYSTEMS, INC., a Delaware corporation
and CISCO TECHNOLOGY, INC., a California
corporation,

Plaintiffs,

v.

DEXON COMPUTER, INC., a Minnesota
corporation,

Defendant.

DEXON COMPUTER, INC., a Minnesota
corporation,

Counterclaim Plaintiff and
Defendant,

v.

CISCO SYSTEMS, INC., a Delaware corporation
and CISCO TECHNOLOGY, INC., a California
corporation,

Counterclaim Defendants
and Plaintiffs.

CASE NO. 3:20-CV-4926-CRB

Hon. Charles R. Breyer, Presiding Judge

**THIRD-PARTY DEFENDANT ATLANTIX
GLOBAL SYSTEMS, LLC'S ANSWER TO
COMPLAINT**

DEMAND FOR JURY TRIAL

DEXON COMPUTER, INC., a Minnesota corporation,

Third-Party Plaintiff,

v.

ATLANTIX GLOBAL SYSTEMS INTERNATIONAL, LLC, BIZCOM ELECTRONICS, INC., DIGI DEVICES ONLINE, ENTERPRISE BUSINESS TECHNOLOGIES, INC., FIBER CABLE CONNECTIONS, MJSI, MULTIMODE TECHNOLOGIES, LLC, NETWORK REPUBLIC, OPTIMUM DATA, INC., PARAGON, PURE FUTURE TECHNOLOGY, INC., SEASTAR IT TRADING LLC, SERVER TECH SUPPLY, SOFTNETWORKS, INC., STRADA NETWORKS, LLC, STRATEGIC TELECOM SUPPLY & SOLUTIONS, TEKSAVERS, UNLIMITED NETWORK SOLUTIONS, and WISECOM TECHNOLOGIES,

Third-Party Defendants.

Third Party Defendant Atlantix Global Systems, LLC, erroneously sued as Atlantix Global Systems International, LLC (“Atlantix”), by its undersigned counsel submits its Answer and Affirmative Defenses to Third-Party Plaintiff’s Third-Party Claims (“Third Party Claims”) filed by Dexon Computer, Inc. (“Dexon”) as follows:

THIRD PARTY CLAIMS

181. This paragraph prefaces Dexon’s allegations and lists the Third Party Defendants. It requires no response. To the extent a response is required, Atlantix denies each and every allegation alleged therein and denies that Dexon is entitled to relief.

THE PARTIES

182. Atlantix lack sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph and therefore denies each and every allegation in this paragraph.

183. Atlantix admits that Atlantix Global Systems, LLC is a Georgia limited liability company that has since merged with another company with a principal place of business located in Florida. Except as admitted herein, Atlantix denies each and every allegation in this paragraph.

184. Atlantix lack sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph and therefore denies each and every allegation in this paragraph.

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199. Atlantix lack sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph and therefore denies each and every allegation in this paragraph.

200. Atlantix admits that it is a reputable dealer with respect to the products it sells. Except as specifically admitted herein, Atlantix denies each and every allegation in this paragraph and the preceding heading.

201. Atlantix admits that it sold four items to Dexon. Except as specifically admitted herein, Atlantix denies each and every allegation in this paragraph.

202. This paragraph contains legal conclusions for which no response is required. To the extent a response is required, Atlantix denies the allegations in this paragraph.

FIRST THIRD PARTY CLAIM

(Indemnification – All Third Party Defendants)

203. Atlantix reasserts and hereby incorporates by references each of its responses set forth in the preceding paragraphs as if fully set forth herein.

204. Atlantix lack sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph and therefore denies each and every allegation in this paragraph.

205. This paragraph contains legal conclusions for which no response is required. To the extent a response is required, Atlantix denies the allegations in this paragraph.

SECOND THIRD PARTY CLAIM

(Contribution – All Third Party Defendants)

206. Atlantix reasserts and hereby incorporates by references each of its responses set forth in the preceding paragraphs as if fully set forth herein.

207. Atlantix lack sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph and therefore denies each and every allegation in this paragraph.

208. This paragraph contains legal conclusions for which no response is required. To the extent a response is required, Atlantix denies the allegations in this paragraph.

PRAYER FOR RELIEF

In response to Dexon's Prayer for Relief, Atlantix denies that Dexon is entitled to any relief of any kind from Atlantix.

AFFIRMATIVE DEFENSES

Pursuant to Federal Rule of Civil Procedure 8(b) and 8(c), without assuming any burden that it would not otherwise bear, without reducing or removing Dexon's burden of proof on its affirmative claims against Atlantix, reserving its rights to assert additional defenses and affirmatively and solely to the extent deemed necessary by the Court to maintain any and all of the following defenses, Atlantix asserts the following defenses to the Third Party Complaint:

FIRST AFFIRMATIVE DEFENSE

Dexon's Third Party Complaint and each claim contained therein fail, in whole or in part, to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Dexon is barred from pursuing its claims against Atlantix in this Court because venue is improper.

THIRD AFFIRMATIVE DEFENSE

Dexon's Third Party Complaint fails because Dexon did not suffer damages.

FOURTH AFFIRMATIVE DEFENSE

Dexon's claims are barred, in whole or in part, because Dexon failed to mitigate its damages, if any.

FIFTH AFFIRMATIVE DEFENSE

Dexon's claims are barred, in whole or in part, by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

Dexon lacks standing to assert any claims asserted in the Third Party Complaint.

SEVENTH AFFIRMATIVE DEFENSE

Dexon's claims are barred, in whole or in part, by the doctrine of laches.

EIGHT AFFIRMATIVE DEFENSE

Dexon's claims are barred, in whole or in part, by the doctrine of estoppel.

NINTH AFFIRMATIVE DEFENSE

Dexon's claims are barred, in whole or in part, by the doctrine of waiver.

TENTH AFFIRMATIVE DEFENSE

Dexon's claims are barred, in whole or in part, because if Dexon was damaged, which is denied by Atlantix, it is the result of Dexon's own conduct or the conduct of third parties, for which Atlantix is not responsible.

ELEVENTH AFFIRMATIVE DEFENSE

Atlantix does not have sufficient knowledge or information to determine if any additional defenses, yet unstated, are available. Atlantix has not knowingly or intentionally waived any application additional affirmative defenses and reserves the right to assert these defenses, as they become known to Atlantix during the pendency of this action.

DEMAND FOR JURY TRIAL

Atlantix demands trial by jury on all issues so triable.

Dated: February 7, 2022

MCDERMOTT WILL & EMERY LLP

By:



ELLIE HOURIZADEH
JODI BENASSI
Attorneys for Third-Party Defendant
ATLANTIX GLOBAL SYSTEMS, LLC